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July 20, 2020

*Via ECF*

Magistrate Judge Lisa Margaret Smith  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

**Re: Rutherford, et al. v. City of Mount Vernon, et al.  
18-CV-10706 (LMS)**

Dear Magistrate Judge Smith,

As the Court is aware, the undersigned and The Quinn Law Firm PLLC represent the City of Mount Vernon and the individually named Defendants in the above-referenced matter.

On Thursday, July 16, 2020, the Court issued a Scheduling Order for a telephonic status conference for Tuesday, July 28, 2020, at 2:15 PM. In light of the Scheduling Order, Defendants write to update the Court as to the status of our attempts to contact and locate Plaintiffs. Mr. Gallman recently provided our office with his new address, listed *infra*; however, Mr. Rutherford's whereabouts are currently unknown to Defendants.

1. Plaintiff Reginald Gallman:

On June 18, 2020, Defendants sent Mr. Gallman a letter by certified mail to confirm his address as Defendants had recently learned from the State of New York Department of Corrections database that Mr. Gallman had been transferred to Fishkill for a potential parole hearing. (Docket Entry No. 82).<sup>1</sup>

Defendants requested that Mr. Gallman send a letter detailing his current address, the status or date of his parole hearing, and whether or not he would be transferred back to Watertown Correctional Facility or released on parole supervision.

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<sup>1</sup> Defendants sent copies of the letter to Mr. Gallman at both Watertown Correctional Facility and Fishkill Correctional Facility.

On July 2, 2020, Mr. Gallman contacted our office by telephone and provided his new address:

Reginald Gallman  
215 Wells Street, Apt. 2  
Peekskill, New York 10556

2. Plaintiff Rayvon Rutherford:

On or about March 4, 2020, Plaintiff Rayvon Rutherford was released from Altona Correctional Facility to the supervision of the Dutchess County Probation Department. On March 23, 2020, Plaintiff Rutherford informed the Court that he had violated the conditions of his parole and was being held in Dutchess County Jail (Docket Entry No. 79). On April 29, 2020, Plaintiff Rutherford informed the Court of his change of address to 26 Hammersley Avenue, c/o Isom, Poughkeepsie, NY, US 12601 (Docket Entry No. 80).

On June 18, 2020, Defendants sent Plaintiff Rutherford a letter by certified mail to confirm his address and requested that he contact our office so that we could schedule and conduct his deposition. (Docket Entry No. 81). The certified mailing was returned to sender on June 25, 2020 with the designation "Attempted Unknown". (See attached Exhibit A).

On June 26, 2020, the undersigned spoke with Parole Officer Cifone of the Poughkeepsie office for the Dutchess County Probation Department, and informed him that Mr. Rutherford is a plaintiff in the instant litigation and that our office was having difficulty locating him and communicating with him. PO Cifone informed the undersigned that he would contact Mr. Rutherford and tell Mr. Rutherford to contact our office. To date, and to our knowledge, Mr. Rutherford has not contacted our office or made an attempt to contact our office and we have not been in communication with him.

If Defendants receive any communications from Mr. Rutherford then we will notify the Court immediately.

I thank the Court for its time and attention to this matter and should the Court have any questions or concerns then please do not hesitate to contact our office.

Respectfully submitted,



Steven J. Bushnell, Esq.

SJB:jg

cc: Rayvon Rutherford, *via Certified Mail*  
26 Hammersley Avenue, c/o Isom,  
Poughkeepsie, NY 12601

Reginald Gallman, *via Certified Mail*  
Pro Se Plaintiff  
215 Wells Street, Apt. 2  
Peekskill, New York 10556